

## **EPA Update on Gold King Mine Response Efforts for August 17, 2015**

The U.S. Environmental Protection Agency is committed to working closely with response agencies and state and local officials to ensure the safety of citizens, respond to concerns and to evaluate impact to water contaminated by the spill. Today EPA provided the following updates:

### **The Last 24 Hours**

New Mexico announced its determination that drinking water systems and recreational activity along the Animas and San Juan rivers can resume based on water quality sampling results collected by both New Mexico Environment Department and the EPA. Reopening drinking water system intakes and allowing recreational activities is a state and local decision and we believe they have taken appropriate steps in arriving at this decision. EPA sampling results from the river collected last week similarly show that water quality conditions are returning toward pre-event conditions.

### **Mine Discharge Treatment**

The Gold King Mine is releasing water at the rate of approximately 600 gallons per minute. Water is captured and treated at a system of impoundments before being discharged to Cement Creek.

### **Plume**

EPA is collecting water and sediment samples from Lake Powell near the inlet of the San Juan River, where we believe the contaminants may have reached. EPA expects no significant impacts to Lake Powell associated with the Gold King Mine release.

### **Unified Command in Durango, Colorado**

Irrigation ditches drawing from the Animas River in Colorado are now open and available for use.

EPA teams continue to collect water samples in the Animas River and in shallow, domestic private wells adjacent to the river.

EPA, state and local response teams continue to evaluate water quality in shallow domestic wells adjacent to the Animas River.

### **Unified Command in Farmington, New Mexico**

For New Mexico, EPA has a team of 62 employees consisting of federal on-scene coordinators, water quality experts, technicians and contractors supporting the response to the spill. The information meeting at the Farmington Convention Center will be held tonight at 6 pm MT.

EPA continues to collect water quality samples from nine locations in the river near intakes for Aztec, Farmington, Lower Valley Water Users Association, Morning Star Water Supply System and the North Star Water User Association. EPA will continue to sample, analyze, and make data available to support local decision makers moving forward to allow them to make the best informed decisions. Validated sampling data for the Animas and San Juan Rivers from the Northern Border of New Mexico to Navajo Nation collected from Aug. 7 to Aug. 11, 2015 has been released.

Private domestic water well use has resumed based on water quality sampling results from the river collected by both New Mexico Environment Department and the EPA. EPA and NMED tested 114 private domestic wells.

Irrigation ditches along the Animas River have returned to normal irrigation and livestock watering operations. EPA has delivered 1,021,230 gallons of water for irrigation and 29,916 gallons of water for livestock watering.

Water trucks will be continuing to deliver water to designated locations to address Navajo agricultural and livestock needs. The Unified Command is also delivering feed for livestock. Water is now staged at 13 locations throughout the potentially impacted chapters of Navajo Nation. The tank capacity at each of these locations is 16,000 gallons.

### **EPA Staff Deployed**

EPA currently has deployed more than 210 employees and contractors for the response. The U.S. Coast Guard has provided 14 responders. There are also currently at least 20 different state and local agencies involved in the response working to help ensure the health and safety of the public.

### **Claims Process Update**

A claims process exists for compensating citizens who suffer personal injury or property damage caused by U.S. government actions. The process is available in EPA's regulations at 40 CFR Part 10, and includes guidance on documentation that may be required to support claims for loss of employment and loss of income, among other claims.

Claims for monetary compensation may be filed by submitting a Standard Form 95 specifying the nature of the loss suffered and EPA actions, if known, causing the loss or damage to property.

EPA is not offering immediate reimbursements for damages from the Gold King Mine water and it is not true that if someone submits a claim that by doing so they limit or waive future rights.

EPA's Federal Tort Claims Act (FTCA) regulation provides that a person may amend their claim form at any time prior to reaching a settlement with EPA, or before the person files a lawsuit under the FTCA. Additionally, a person claiming an injury or damage has two years

from the date of the event to file a claim with EPA under the FTCA. (40 CFR Part 10).

Standard Form 95 is **not required to present a claim under the FTCA, but it is a convenient format for supplying the information necessary to bring an FTCA claim.** Please note that a completed form must state a claim for money damages in a “sum certain” amount (that is, a specific amount) claimed for personal injury, death, or injury to or loss of property. In addition, if a sum certain is not specified in Standard Form 95 block 12d, or in accompanying information, a submission cannot be considered a valid presentation of a claim.

Although EPA's regulations state that it has six months to resolve a claim, EPA will make every effort to respond to Gold King Mine release claims as soon as possible. Claims must be presented to EPA within two years after the claim accrues.

[Complete the fillable PDF version of Standard Form 95.](#)

For more information: <http://www2.epa.gov/goldkingmine>